REMARKS

Applicants reply to the Office Action dated May 11, 2009 within three months. Claims 16-23 were pending in the application and the Examiner rejects claims 16-23. Applicants add new Claim 24. Support for the new claim may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by the new claim. Reconsideration of this application is respectfully requested.

The Examiner rejects claims 16-23 under 35 USC 102(b) as being anticipated by Hanaya, US Patent No. 5,754,258 ("Hanaya"). Applicants respectfully disagree with these rejections, but Applicants amend the claims (without prejudice or disclaimer) in order to clarify the patentable aspects of the claims and to expedite prosecution.

The Examiner asserts that Hanaya passes through a mute state from a state of outputting a first audio signal before outputting a second audio signal. In particular, the Examiner asserts that Hanaya teaches that:

(see lines 57-51 of column 21):

" . . . operating the channel up and down button switch 133 to input an instruction for moving up and down the channel . . . "

(see lines 62-64 of column 21):

" . . . processing ... to mute the sound is executed"

finally, (see lines 10-15 of column 22):

" . . . upon the completion of the processing of switching [the process proceeds to] release . . . the mute of sound. In other words, at that time, . . . the sound signal corresponding to the animated image [of the channel after switching] is output".

The specific feature of the volume level of the third and second audio signals being different is not specifically mentioned in such sections. With respect to such feature, the Examiner also refers to lines 18-26 of column 6 and lines 41-44 of column 7 of Hanaya. However, significantly, Applicants are unable to ascertain which part of the Examiner-cited portions discloses the feature that the third audio signal has a volume level different from that of the second audio signal. Applicants assert that column 6 only teaches that the MPEG audio decoder supplies the digital audio signal to the demultiplexer to be memorized, and after to be D/A converted so as to be output. Column 7 only teaches that the remote control can change both

channels and volumes. **Applicants assert that neither of the two sections teaches that the volume level of the third audio signal is different from the volume level of the second audio signal. Further, Applicants assert that nowhere in columns 21-22 is the volume button ever operated by the user.**

Furthermore, Applicants disagree that Hanaya teaches the user operating the switching process subsequent to the mute state, as recited by independent claim 20.

More specifically, with regard to claims 16-23, Applicants disagree with the Examiner that Hanaya anticipates the claimed inventions. For example, contrary to the Examiner's assertion, Hanaya fails to teach the feature of " . . . the third audio signal having a volume level different from that of the second audio signal . . . ," as recited in pending independent claim 16, and similarly recited in independent claims 20-21.

Applicants assert that lines 18-26 of column 6 and lines 41-44 of column 7 of Hanaya (as cited by the Examiner) do not even pertain to the volume difference between two audio signals. Indeed, column 6 teaches that an audio signal is output in **31L** and **31R**, and column 7 teaches that a user can change the volume by pressing a volume up and down button on the remote commander. However, the relationship between the use of the remote commander (or the fact that audio signals are output in **31L** and **31R**), and the third audio signal having a volume level that is different from that of the second audio signal is not clearly defined.

Further, Applicants assert that the relevant sections (Fig. 25 and line 57 of column 21 to line 17 of column 22) of Hanaya do not even mention the use of the volume button by the user, or whether or not volume levels between the channels are different. Even if the use of the volume button by the user were discussed in Hanaya, Hanaya would still fail to disclose the relationship between the use of the volume button by the user and the different volume levels between the channels (there is no disclosure that a volume setting does not carry over between channels, which is uncommon; usually the volume setting by the user is globally set for all channels).

Furthermore, Applicants assert that Hanaya also fails to teach the feature of " . . . when the operation of the user is detected by the operation detecting section subsequent to the mute state," as recited in pending claim 20. Although Hanaya teaches that the user operates the channel switching, it is obvious that the user operation occurs before the mute state. In particular, the channel switching operation is performed in response to the user operation (i.e.,

after the user operation). Further, the mute state is entered after the channel switching operation has begun. Thus, it is clear that the mute state is entered after the switching process has begun.

Dependent claims 17-19 and 22-23 variously depend from independent claims 16 and 21, so Applicants assert that dependent claims 17-19 and 22-23 are differentiated from the cited reference for the reasons set forth above, in addition to their own respective features.

New claim 24 includes certain similar features as independent claims 16, 20 and 21, so Applicants assert that new claim 24 is differentiated from the cited reference for the reasons set forth above, in addition to its own respective features. For example, new claim 24 also includes:

" . . . if the second source is a reproduction-only medium, the output control section completes an output of the sound based on the third audio signal, passes through a mute state, and subsequently starts an output of the sound based on the second audio signal,

else, if the second source is not the reproduction-only medium, the output control section completes an output of the sound based on the third audio signal and starts an output of the sound based on the second audio signal without passing through the mute state"

Support can be found in at least Fig. 2 of the specification and corresponding sections.

In particular, Applicants assert that it is clear from Fig. 2 that, when the second source is a recording/reproduction medium, then even at the stop modes, the second audio signal will still be played (i.e., no muting). Advantageously, less processing is performed when the second audio signal (being switched from) is not reproduced from a reproduction-only medium, thereby allowing the first audio signal (being switched to) to be heard quickly. Thus, the user can hear the desired audio signal more quickly.
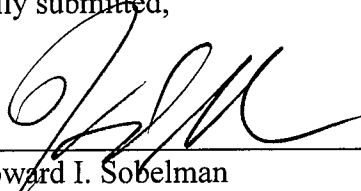
In contrast, Hanaya fails to teach or suggest this feature. In particular, Hanaya only refers to TV Channels and the switching thereof. Since a TV channel is a reproduction-only medium, Applicants assert that Hanaya fails to disclose the case of a non-reproduction-only medium. Consequently, Applicants assert that Hanaya also fails to disclose the feature that muting is not performed when the second audio signal is not reproduced from a reproduction-only medium.

Applicants respectfully submit that the present application is in condition for allowance. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any

overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions whatsoever regarding this Reply or the present application in general.

Respectfully submitted,

Dated: July 24, 2009   By: _____

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